



**PATENT**  
**Customer No. 22,852**  
**Attorney Docket No. 05725.0783**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

David W. CANNELL et al.

Application No.: 09/820,812

Filed: March 30, 2001

**For: COMPOSITIONS COMPRISING AT LEAST ONE C<sub>1</sub>-C<sub>22</sub> SUBSTITUTED C<sub>3</sub> TO C<sub>5</sub> MONOSACCHARIDE UNIT, AND THEIR USE FOR THE PROTECTION AND/OR REPAIR OF KERATINOUS FIBERS**

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) Group Art Unit: 1617  
)  
) Examiner: Shengjun WANG  
)  
)  
) Confirmation No. 5365

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## TERMINAL DISCLAIMER

Assignee, L'Oréal S.A., duly organized under the laws of France and having its principal place of business at 14, rue Royale, 75008 Paris, France, through its attorneys, represents that it is the assignee of the entire right, title, and interest in and to the instant application, Application No. 09/820,812, filed March 30, 2001, for COMPOSITIONS COMPRISING AT LEAST ONE C<sub>1</sub>-C<sub>22</sub> SUBSTITUTED C<sub>3</sub> TO C<sub>5</sub> MONOSACCHARIDE UNIT, AND THEIR USE FOR THE PROTECTION AND/OR REPAIR OF KERATINOUS FIBERS in the names of David W. CANNELL, Natalya FADEEVA, and Nghi Van NGUYEN, as indicated by executed assignment recorded on August 3, 2001, at Reel 012042, Frame 0001.

Assignee, L'Oréal S.A., further represents, through its attorneys, that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,486,105 ("the '105 patent") issued on November 26, 2002, for HEAT ACTIVATED DURABLE CONDITIONING COMPOSITIONS COMPRISING C<sub>3</sub> TO C<sub>5</sub> MONOSACCHARIDES, AND METHODS FOR USING SAME in the names of David W. CANNELL, Hitendra MATHUR, and Nghi Van NGUYEN, as indicated on the face of the '105 patent and by executed assignment recorded on July 23, 2001, at Reel 012004, Frame 0697.

Assignee, L'Oréal S.A., further represents, through its attorneys, that it is the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,800,302 ("the '302 patent") issued on October 5, 2004, for HEAT ACTIVATED DURABLE SYTLING COMPOSITIONS COMPRISING C<sub>1</sub> TO C<sub>22</sub> SUBSTITUTED C<sub>3</sub>-C<sub>5</sub> MONOSACCHARIDES AND METHODS FOR SAME in the names of David W. CANNELL and Nghi Van NGUYEN, as indicated on the face of the '302 patent and by executed assignment recorded on July 16, 2001, at Reel 011990, Frame 0798.

Assignee, L'Oréal S.A., further represents, through its attorneys, that it is the assignee of the entire right, title, and interest in and to co-pending Application No. 09/820,934 ("the '934 application") filed March 30, 2001, for HEAT ACTIVATED DURABLE CONDITIONING COMPOSITION C<sub>1</sub> TO C<sub>22</sub> SUBSTITUTED C<sub>3</sub> TO C<sub>5</sub> MONSACCHARIDES AND METHODS FOR USING SAME in the names of David W. CANNELL, Hitendra MATHUR, and Nghi Van NGUYEN, as indicated by executed assignment recorded on July 10, 2001, at Reel 011965, Frame 0857.

To obviate double patenting rejections, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the

instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the '105 patent, the '302 patent, and any patent granted on the '934 application. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the '105 patent, the '302 patent, and any patent granted on the '934 application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '105 patent, the '302 patent, and any patent granted on the '934 application, as presently shortened by any terminal disclaimer, in the event that the '105 patent, the '302 patent, and any patent granted on the '934 application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please

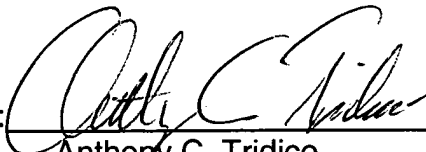
charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

DATE: January 11, 2006

By:   
Anthony C. Tridico  
Reg. No. 45,958